

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

**Case No. 3-:08-cr-096
also Civil Case No. 3-:11-cv-355**

KATHLEEN LANCE

,

District Judge Thomas M. Rose

Defendant.

Magistrate Judge Michael R. Merz

**ENTRY AND ORDER OVERRULING LANCE’S OBJECTIONS (Doc. #63) TO THE
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATIONS REGARDING HER §
2255 MOTION; ADOPTING THE MAGISTRATE JUDGES’S REPORT AND
RECOMMENDATIONS (Doc. #62) IN ITS ENTIRETY; DENYING LANCE’S § 2255
MOTION WITH PREJUDICE; DENYING LANCE LEAVE TO APPEAL *IN FORMA
PAUPERIS* AND ANY REQUESTED CERTIFICATE OF APPEALABILITY; AND
TERMINATING THE CIVIL CASE**

This matter is now before the Court pursuant to Objections (doc. #63 in criminal case) filed by Kathleen Lance (“Lance”) to the Report and Recommendations issued on December 5, 2011, by Magistrate Judge Michael R. Merz.

The District Judge has reviewed the findings of Magistrate Judge Merz. The District Judge has also made a de novo review of the record in this case pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). Upon consideration of the foregoing, the Court finds that the Objections to the Report and Recommendations (doc. #63 in the criminal case) are not well-taken and they are hereby OVERRULED.

The Magistrate Judge’s Report and Recommendations is ADOPTED in its entirety. Lance’s Motion To Vacate pursuant to 28 U.S.C. §2255 is dismissed with prejudice. Also, because reasonable jurists would not disagree with this conclusion, Lance is denied leave to

appeal *in forma pauperis* and any requested certificate of appealability. Finally, the captioned civil cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Seventeenth Day of January, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Kathleen Lance at her last address of record
Counsel of Record